IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4390 OF 2006

Nareshkumar Kaliprasad Yadav .. Applicant.

V/s.

The State of Maharashtra .. Respondents.

Shri.S.G.Rajput for the applicant.

Shri.Y.M.Nakhwa for the respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13TH DECEMBER, 2006.

P.C.:

. The applicant has been arrested by Gamdevi Police Station in connection with C.R.No.290 of 2006. The applicant has been arrested on 27th October, 2006 on the basis of a complaint lodged against two unknown persons and one taxi driver. They snatched complainant's mobile phone, one of them assaulted him, sat in the taxi and ran away. The applicant is a taxi driver and he states that his alleged role in the offence is that the two unknown

persons were allowed to board his taxi and thereafter he took them away from the place of incident. In other words, they fled away from the place of assault in the taxi of the applicant.

. The investigations are in progress and incomplete but the applicant has been denied bail mainly on the ground that he is unable to produce any documentary proof with regard to his residence in Mumbai.

. Mr. Rajput invites my attention to the annexures to this application and states that the applicant has license for driving a taxi, he is a member of the Taxi Union, has driving license and a permanent place of residence in Tardeo, Mumbai. He states that these facts can be verified by the I.O. before release. In my view, in the light of the statements made by Shri.Rajput and considering the limited role assigned to the applicant, he deserves to be enlarged on bail.

ORDER : -

i) The applicant is directed to be released on bail in connection with C.R.No.290 of 2006

registered with Gamdevi Police Station on executing personal bond in the sum of Rs.10,000/- (Rupees ten thousand only) with one or two local sureties in like amount.

ii) The applicant shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.

iii) The applicant shall report to the concerned police station twice in a fortnight on every Saturday between 5.00 p.m. and 7.00 p.m. till the chargesheet is filed and thereafter as directed by the trial court. The applicant shall not leave Mumbai without prior permission of the trial court. The applicant shall deposit his passport, if any, with the Investigating Machinery.

iv) The applicant shall disclose his place of residence to the Investigating Officer as well as the trial court where he would stay after the release on bail and shall report to the trial court before he travel beyond the State of

Maharashtra where he would ordinarily reside.

v) The applicant shall co-operate for early disposal of the trial. In the event, the trial court is of the opinion that the applicant is responsible for delay in trial, that be recorded in roznama and that can be the basis for cancellation of bail.

vi) Application disposed of.

(S.C.Dharmadhikari, J.)